

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CT-3099-D

STACY DeWHITE BROWN,

Plaintiff,

v.

DONNIE HARRISON, et al.,

Defendants.

ORDER

On January 9, 2019, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”), and recommended denying Stacy DeWhite Brown’s (“Brown”) request for injunctive relief and dismissing Brown’s 42 U.S.C. § 1983 complaint for failure to state a claim. See [D.E. 16]. On January 24, 2019, Brown responded to the M&R by discussing the filing fee [D.E. 17].


“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

Brown’s response to the M&R does not meaningfully address the M&R. Accordingly, de novo review is not required, and the court adopts the conclusions in the M&R. See, e.g., Wells v. Shriners Hosp., 109 F.3d 198, 200–01 (4th Cir. 1997); Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

Alternatively, the court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R.

In sum, after reviewing the M&R, the record, and Brown's response, the court OVERRULES Brown's response [D.E. 17], ADOPTS the conclusions in the M&R [D.E. 16], DENIES Brown's request for injunctive relief [D.E. 3, 8] and DISMISSES Brown's complaint without prejudice. Any further relief regarding Brown's overpayment of the filing fee is DENIED. The court's financial records indicate the clerk already reimbursed Brown for any overpayment. The clerk shall close the case.

SO ORDERED. This 13 day of February 2019.



JAMES C. DEVER III
United States District Judge